



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

E 2  
9/12/01

SEP 17 2001

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

EPA Region 5 Records Ctr.



352912

See List of Addressees

**RE: Lefton Iron & Metal Company Superfund Site**, 1901 South Converse Street, East St. Louis, Illinois 62207 and 205 South 17<sup>th</sup> Street, East St. Louis, Illinois 62207, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, stat. 1613 (1986) (SARA), the United States Environmental Protection Agency gives **General Notice of Potential Liability**.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site:

1. Provide and maintain security at the facility for the duration of the removal activities.
2. Address the contaminated soils and conduct additional sampling and analysis to identify other hazardous substances.
3. Decontaminate and dispose of all hazardous materials.
4. Transport all wastes off-site for appropriate disposal at U.S. EPA approved facilities.

U.S. EPA has received information that you may be a potentially responsible party at this Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing within **five (5) days of receipt of this letter of your willingness to perform or finance the activities** described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you or your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that you or your organization has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions. Your response should be sent to:

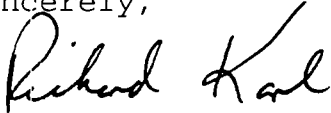
Thomas Martin  
Associate Regional Counsel  
U.S. EPA - Region 5  
Office of Regional Counsel (C-14J)  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

If you need further information regarding this letter, you may

contact Thomas Martin of the Office of Regional Counsel at (312) 886-4273.

Due to the nature of the problem at this site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in cursive script that reads "Richard Karl".

Richard Karl, Chief  
Emergency Response Branch

Enclosures

cc: Gary King  
Division of Land Pollution Control  
Illinois Environmental Protection  
Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

Respondents  
General Notice of Liability Letter  
LEFTON IRON & METAL COMPANY SITES  
East St. Louis, Illinois

Frank H. Hackmann  
Attorney for Kerr-McGee Chemical, LLC  
Sonnenschein Nath & Rosenthal  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102

Benjamin B. Lefton  
8561 Nealy Lane  
Edwardsville, IL 62025

Norman B. Lefton  
8561 Nealy Lane  
Edwardsville, IL 62025

Charles E. Merrill  
Attorney for S & S Properties and Lefton Land and Development  
Corporation  
Hush & Eppenberger, LLC  
100 N. Broadway, Suite 1300  
St. Louis, MO 63102



## Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

### U.S. EPA Small Business Resources


If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

*EPA's Home Page*  
<http://www.epa.gov>

 *Small Business Assistance Programs*  
<http://www.epa.gov/ttn/sbap>

*Compliance Assistance Home Page*  
<http://www.epa.gov/oeca/oc>

*Office of Site Remediation Enforcement*  
<http://www.epa.gov/oeca/osre>

#### **Hotlines, Helplines and Clearinghouses**

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman  
(800) 368-5888

Hazardous Waste/Underground Tanks/  
Superfund  
(800) 424-9346

National Response Center  
(to report oil and hazardous substance spills)  
(800) 424-8802

Toxics Substances and Asbestos Information  
(202) 554-1404

Safe Drinking Water  
(800) 426-4791

Stratospheric Ozone and Refrigerants  
Information  
(800) 296-1996

Clean Air Technical Center  
(919) 541-0800

Wetlands Hotline  
(800) 832-7828

Continued on back



### Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

#### Metal Finishing

(1-800-AT-NMFRC or [www.nmfrc.org](http://www.nmfrc.org))

#### Printing

(1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))

#### Automotive Service and Repair

(1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))

#### Agriculture

(1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))

#### Printed Wiring Board Manufacturing

(1-734-995-4911 or [www.pwbrc.org](http://www.pwbrc.org))

#### The Chemical Industry

(1-800-672-6048 or [www.chemalliance.org](http://www.chemalliance.org))

#### The Transportation Industry

(1-888-459-0656 or [www.transource.org](http://www.transource.org))

#### The Paints and Coatings Center

(1-800-286-6372 or [www.paintcenter.org](http://www.paintcenter.org))

### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

***EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.***